

REPORT TO:	Planning Committee
REPORT NO.	COPR/42/19
DATE:	2 nd September 2019
REPORTING OFFICER:	Chief Officer Planning and Regulatory
CONTACT OFFICER:	Jon Brewin (Tel 298763)
SUBJECT:	Tree Preservation Order 292/2019 82 Beechley Road, Wrexham, LL13 7BA.
WARD:	Hermitage

PURPOSE OF THE REPORT

For the Planning Committee to consider written representations made in respect of Tree Preservation Order (TPO) WCBC 292 / 2019 – '82 Beechley Road, Wrexham' and to determine whether, or not, to confirm the TPO and make permanent with or without modification.

INFORMATION

- 1 The objective of the Tree Preservation Order is to protect two trees located within the curtilage of the property of 82 Beechley Road which may be considered to be at risk from inappropriate management, premature felling or potential construction damage. The trees in question comprise of one copper beech tree identified as 'T1' located toward the western boundary and one yew tree identified as 'T2' and located to the rear of the property.
- 2 Under Objective 3(6) within the Council's agreed '*Tree & Woodland Strategy 2016-2026*', the Council states the requirement to protect trees and woodlands through the implementation and use of Local Planning Policy, Tree Preservation Orders and Planning Conditions where amenity is a consideration or the trees are under threat.

- 3 A TEMPO assessment was undertaken on both trees with guidance scores of 20/25 for T1 and 16/25 for T2, both scores indicating sufficient amenity value to warrant a TPO defensible under the terms of the evaluation process. Subsequently TPO 292/2019 was made and served to all 'interested parties' on the 14th of March 2019. A laminated site notice was posted to the front entrance of the property and copies of the order were posted to all 'interested parties' including the current owner.



Figure 1: Location plan taken from the actual TPO document itself indicating the positions of the amenity trees T1: beech and T2: yew, within the site boundary (the map is cropped in size for formatting purposes).

- 4 The reason for the making of the TPO was primarily to protect the copper beech tree (T1) which was considered to have a high level of amenity value yet potentially presented with a foreseeable risk of development within the site including a new access. The yew tree (T2) has a slightly reduced level of amenity value, in comparison to the beech tree, yet its value was considered high enough to warrant its inclusion within the TPO as a precautionary measure only as, again, it was considered to be at risk from foreseeable development or inappropriate management.



Photo 1: The beech (T1) as viewed from the junction of Huntroyde Avenue in March 2019.



Photo 2: The yew tree (T2) as viewed from the pavement of Bennions's Road in March 2019

5 **Written Representations**

One written letter of objection was received by the Council from the owner of 82 Beechley Road and the objection was received within the required minimum 28 day consultation period. The main points of the submitted objection are summarised below along with the Officer's response to the individual points raised.

Objection to T1:

The objection acknowledges that the beech (T1) is a 'beautiful and old tree' yet objects to the TPO as the landowner feels that the extent of the crown and the predicted root spread of the tree may affect, and restrict, his right to use the land 'economically and productively'.

There is an intention to landscape the garden around the beech tree and to plant an orchard area; there is no intention 'to build another house' or undertake any 'building close to the tree'.

The beech tree has survived long enough without the need for a TPO and the council could always protect the tree through the application of a planning condition if any such development application is submitted in the future.

6 ***Officer Response:***

Application P/2018/0772 was won upon appeal. The application for change of use to a House of Multiple Occupancy required improvements to off-road parking and, subsequently, a planning condition was attached to the consent requiring appropriate measures to protect the beech (T1) from any unnecessary root damage during the development.

The council consider that landscaping of the garden area around the tree is still feasible and may be undertaken providing appropriate consideration and suitable protective measures are taken to remove, or reduce, any risk of root damage occurring during such a project.

The third point raised in the objection stipulates the preferred option would be to protect the tree through the implementation of planning conditions. Whilst condition 11 of the revised decision notice for P/2018/0772 clarifies the need to retain T1, and for its replacement if damaged or removed, objective 3(9) of the *WCBC Tree & Woodland Strategy* requires the review of planning conditions in relation to the protection of trees and to implement their protection with a Tree Preservation Order, where appropriate. The amenity value of T1 was considered high enough to warrant the increased statutory protection with that of a TPO.

Objection to T2:

The homeowner disagrees with the statement from the council that the yew tree (T2) has high amenity value and argues that the tree may only be seen by the public if they were to walk around the house to the rear garden area itself.

There are additional concerns that the tree is located too close to the property and that the tree presents maintenance and nuisance issues due to needle drop and the threat of direct damage to both the adjacent extension and below ground drainage system.

The homeowner considers the TPO on T2 to be highly inappropriate.

7 Officer Response:

The amenity value of the yew tree (T2) can quite clearly be appreciated by passing pedestrian and vehicular traffic along Bennion's Road and from the crossroad junction between Beechley Road and Huntroyde Avenue. Direct access through the rear garden is not necessary in order to appreciate the amenity of the tree.

Should the homeowner have concerns regarding any potential risk of direct or indirect damage to the property, resulting from the influences of T2, then any such matters may be addressed through the standard evidence based TPO application process and, if necessary, any subsequent appeal process should any such application then be refused.

Summary

- 8 The recent appeal ruling, granting consent for the change of usage to HMO, supports the concerns relating to any potential development of the garden area or any ground disturbances which may occur within influencing distance of the trees. Both trees, with the beech tree (T1) in particular, having substantial amenity values, the making and serving of the TPO appears warranted.

10 RECOMMENDATION

It is the Officer's considered opinion that Tree Preservation Order 292/2019 '82 Beechley Road, Wrexham' should be confirmed without modification.

BACKGROUND PAPERS

- Objection 1: Mr J. Konadan
- TEMPO 'Assessment of amenity for trees' undertaken on the beech (T1) and the yew (T2)